

In re application of: Mark R. Boeder

Art Unit: 1661

Appl. No.: 10/622,759

PTO Confirmation No.: 2453

Filed: July 17, 2003

Examiner: Unknown

For: Chrysanthemum Plant Named 'Steps'

Atty. Docket: 10451.0040.NPUS01

#### INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying PTO Form 1449 are documents and information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of the documents are enclosed.

Enclosed is a copy of U.S. Plant Patent No. 14,155 entitled Chrysanthemum Plant Named 'Scott.' The 'Scott' variety is discussed in the Brief Summary of the Invention in the instant application.

Also enclosed are copies of Catalogues 2001 and 2002, and an excerpt from Catalogue 2000 of the Chrysanthemum Breeder's Association that list the 'Scott' variety as an offering. The 2001 and 2002 catalogues include color photographs of the 'Scott' variety. See, e.g., page 19 from the 2001 catalog.

This U.S. plant patent application claims the benefit of U.S. Provisional Application No. 60/396,826, filed July 17, 2002. With regard to the variety 'Steps' that is the subject of this application, to the Applicant's knowledge, this variety has not been the subject of an application for protection in any other country, or been sold, offered for sale, or otherwise publicly disclosed or distributed, more than one year prior to the U.S. filing date for Provisional Application No. 60/396,826.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided here, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

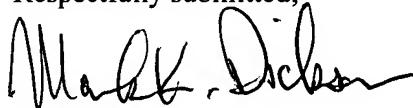
It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

It is believed that this disclosure complies with the requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98, and the Manual of Patent Examining Procedures § 609. If for some reason the Examiner considers otherwise, or requires additional information, Applicant requests that the Examiner call the undersigned so that any deficiencies can be remedied.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 10451.0040.NPUS01.

Dated: January 20, 2004

Respectfully submitted,



Mark K. Dickson  
Attorney Reg. No. 32,889  
HOWREY SIMON ARNOLD & WHITE, LLP  
301 Ravenswood Avenue  
Menlo Park, CA 94025  
(650) 463-8234

<b>LIST OF REFERENCES CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i>		ATTY. DOCKET NO.	APPLICATION NO.
		*10451.0040.NPUS01	*10/662,759
		APPLICANT	
		*Mark R. Boeder	
		FILING DATE	GROUP
		*July 17, 2003	*1661



U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1.	PP 14,155	9-23-03	Noodelijik	PLT/286		8-8-01
	2.						
	3.						
	4.						
FOREIGN PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
	5.						YES NO
	6.						
	7.						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
	8.	Chrysanthemum Breeder's Association (CBA) Catalogue 2000 excerpt listing the Chrysanthemum variety 'Scott.'					
	9.	Chrysanthemum Breeder's Association (CBA) Catalogue 2001 listing the Chrysanthemum variety 'Scott.' See pages 16 and 19 (color photograph).					
	10.	Chrysanthemum Breeder's Association (CBA) Catalogue 2002 listing the Chrysanthemum variety 'Scott.' See pages 17 and 19 (color photograph).					
	11.						
	12.						
	13.						
	14.						
	15.						
	16.						
	17.						

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609;  
 Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.